

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:06CR19  
(Judge Keeley)

GREGG ANTHONY BYRD,

Defendant.

ORDER

On September 27, 2007, Magistrate Judge Kaull filed a Report and Recommendation in which he recommended that the defendant's motion to suppress be **DENIED** as **MOOT** based on the defendant's entry of a guilty plea to Count Four of the Indictment. The Report and Recommendation also specifically warned that failure to object to his recommendations would result in the parties' waiver of any appellate rights on this issue. Because the parties did not file any objections,<sup>1</sup> the defendant's motion (Docket No. 64) is **DENIED** as **MOOT**.

It is so ORDERED.

---

<sup>1</sup> The failure of the parties to object to the Report and Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issue presented. *See Thomas v. Arn*, 474 U.S. 140, 148-153 (1985); *Wells v. Shriners Hosp.*, 109 F.3d 198, 199-200 (4th Cir. 1997).

**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

---

The Clerk is directed to transmit copies of this Order to counsel of record, the defendant and all appropriate agencies.

DATED: October 19, 2007

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE